

Appl. No. : 10/070,602
Filed : September 13, 2002

REMARKS

In the Office Action, the Examiner objected to the drawings for failing to comply with 37 CFR 1.84(p)(4) because reference character "15" has been used to designate both "pin" and "stop". The Applicant thanks the Examiner for noting this discrepancy and notes that the subject application has been amended by this paper at page 15, fourth paragraph, for consistent use of the term "pins" with reference designator 15.

The Examiner also objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they include reference designators not mentioned in the description, in particular at page 12 reference is made to "nuts and bolts" as reference number 32b said reference number not being indicated in the drawings. The Applicant thanks the Examiner for noting this discrepancy and amends the application by this paper at page 17, first paragraph, properly indicating reference designator "132b" rather than the previously indicated erroneous "32b".

The Examiner further noted that reference number 210 for "battery" is described in the specification but not indicated in the figures. The Applicant thanks the Examiner for noting this discrepancy and indicates that the reference designator 210 has been added to Figures 30-32 in order to address this objection.

The Examiner further objected to the drawings under 37 CFR 1.83(a) and reminds the Applicant that the drawings must show every feature of the invention specified in the claims. The Examiner particularly indicated that the toilet seat lid opening mechanism on the wheel chair as claimed in claim 31 must be shown or the features cancelled from the claims. The Applicant respectfully notes that the toilet seat opening mechanism 120 is illustrated in Figure 23 in a closed position and in Figure 24 a partially opened configuration and that corresponding description is provided at page 12, line 30, through page 13, line 4, of the application as published (page 17, second and third paragraphs, of this paper). The Applicant believes that the structure and operation of the toilet seat lid opening mechanism 120 as shown and illustrated would be readily understood and duplicated by an artisan of ordinary skill, however the Applicant hereby amends the subject application to provide additional detail and to provide reference designators and descriptive terminology for the component parts of the toilet seat lid opening mechanism 120. The Applicant again notes that this structure was illustrated and described in the application as filed and that the more-detailed identification of the component

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parts does not constitute entrance of new matter into the application.

The Examiner also rejected to the specification for failing to provide sufficient antecedent basis in the specification for the following claimed terms: “a support”, “a guide”, “a lid opening detent”, “a foot switch”, and “a clamp that is adjustable lengthwise and widthwise in a horizontal plane”. To address these objections, the subject matter of a support, a guide, a lid opening detent, a foot switch, and a clamp that is adjustable lengthwise and widthwise in a horizontal plane have been canceled from the claims.

The Examiner also rejected claims 1-3, 5-19, 24, 31-36 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In particular, the Examiner indicated that in claims 1 and 31 the phrase “laterally restrained” is indefinite in that the specification describes that the guides understood by the Examiner to be the pins are restrained only vertically and not laterally. Therefore, it is unclear how the guides are laterally restraining the toilet seat. The Applicant notes that claims 1-3, 5-19, 24, and 31-36 are canceled by this paper thus rendering the rejection under 35 U.S.C. § 112, second paragraph, moot however the Applicant notes that the new claims 37-54 do not include the limitation of “laterally restrained” with respect to the guides.

The Examiner also indicated regarding claim 31 that the seat lid opening mechanism appears to be a hybrid limitation that mixes the details of the seat apparatus embodiment with the wheeled chair embodiment and that the seat lid opening mechanism has insufficient antecedent bases in the wheel chair embodiment. The Applicant notes that claim 31 is canceled by this paper, however notes that new claim 49 claims a wheeled chair with the seat lid opening mechanism as described. As previously mentioned, the seat lid opening mechanism was originally described and illustrated in the application as filed. The Applicant believes that it would be clear to an artisan of ordinary skill in the art to adapt the seat lid opening mechanism to the apparatus for raising and lowering the seat either in applications for conventional toilets or for use with a wheeled chair following a review of the application illustrations and description as filed. However to further address the Examiner’s concerns the Applicant amends the application by this paper to explicitly illustrate and describe the seat lid opening mechanism both in embodiments for application to a conventional toilet and in application to a wheeled chair.

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Again, the Applicant believes that the operational description and illustration of the seat lid opening mechanism was provided in the application as originally filed and that these changes do not constitute the entrance of new matter to the application.

Following a review of the pending application in preparation for this response, the Applicant has further amended the application for better clarity and consistency as follows. Figure 24 is amended to delete the toilet seat lid erroneously shown in the closed position as well as the opened position in the drawing as filed. A reference designator 20a for the "thermostat" has been added to Figures 8 and 9 and at page 13, first paragraph, and page 14, fourth paragraph, of this paper. The reference designator of the embodiment illustrated in Figure 18 has been corrected to properly refer to "62" rather than the previously indicated erroneous "42". Further, reference designator 36a for "slots" has been added to Figure 8 and at page 16, second paragraph, of this paper. The title of the subject application and the abstract thereof are also amended by this paper in accordance with the claims submitted by this paper.

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SUMMARY

From the foregoing, the Applicant believes that the subject application is now in a condition ready for allowance and respectfully requests prompt issuance of a Notice of Allowability. The Applicant believes that this paper is fully responsive to the objections and rejections made by the Examiner in the Office Action, however should there remain any further impediments to the allowance of this application that might be resolved by a telephone conference, the Examiner is respectfully requested to contact the Applicant's undersigned representative at the indicated telephone.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

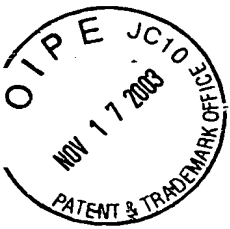
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/10/03

By: 

James W. Ausley
Registration No. 49,076
Agent of Record
Customer No. 20,995
(909) 781-9231

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ELEVATING TOILET SEAT WITH LID OPENING MECHANISM

Inventor: MILLER, Stuart Earl Crispin

Appl. No.: 10/070,602 Atty Docket: JAMES61.001A

ANNOTATED MARKED-UP DRAWING

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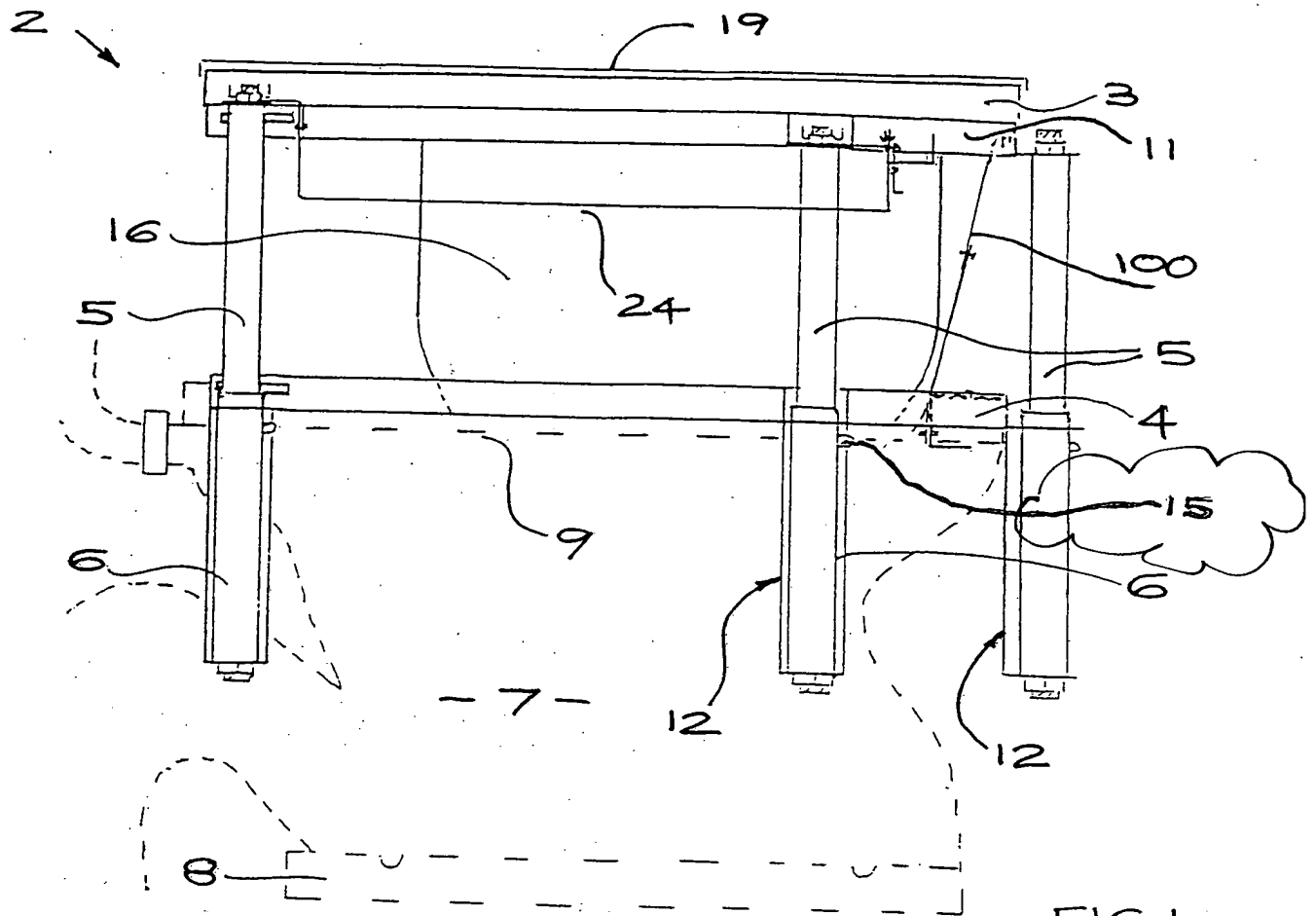


FIG. 1

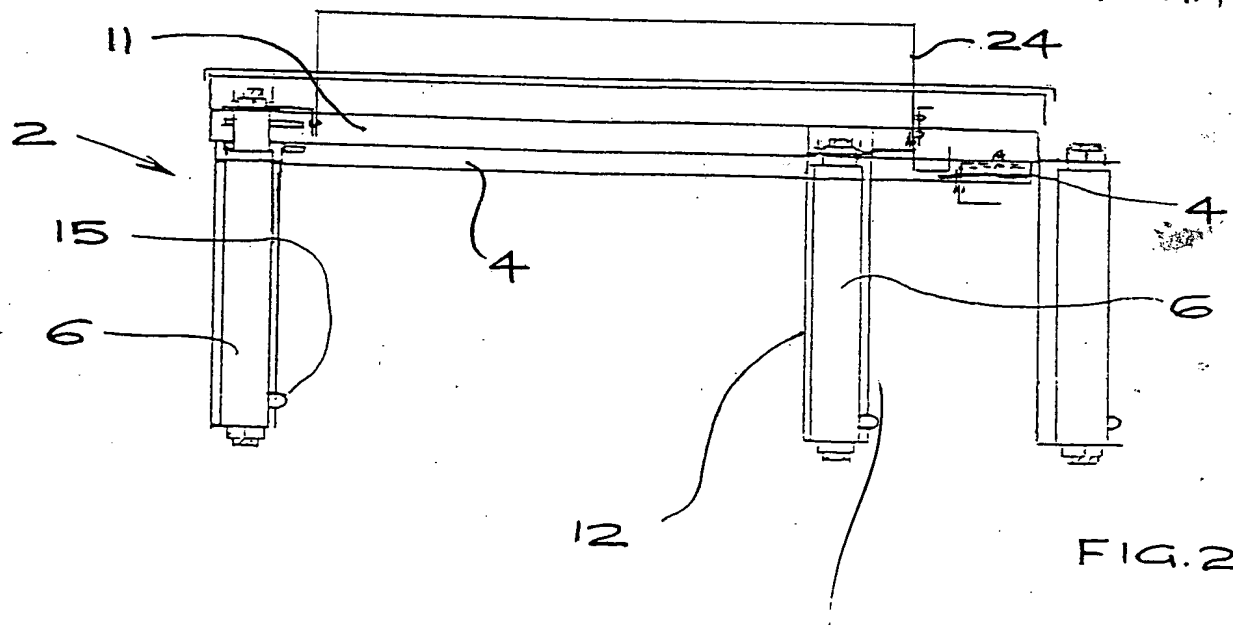


FIG. 2

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ELEVATING TOILET SEAT WITH LID OPENING MECHANISM
Inventor: MILLER, Stuart Earl Crispin
App. No.: 10/070,602 Atty Docket: JAMES61.001A/C

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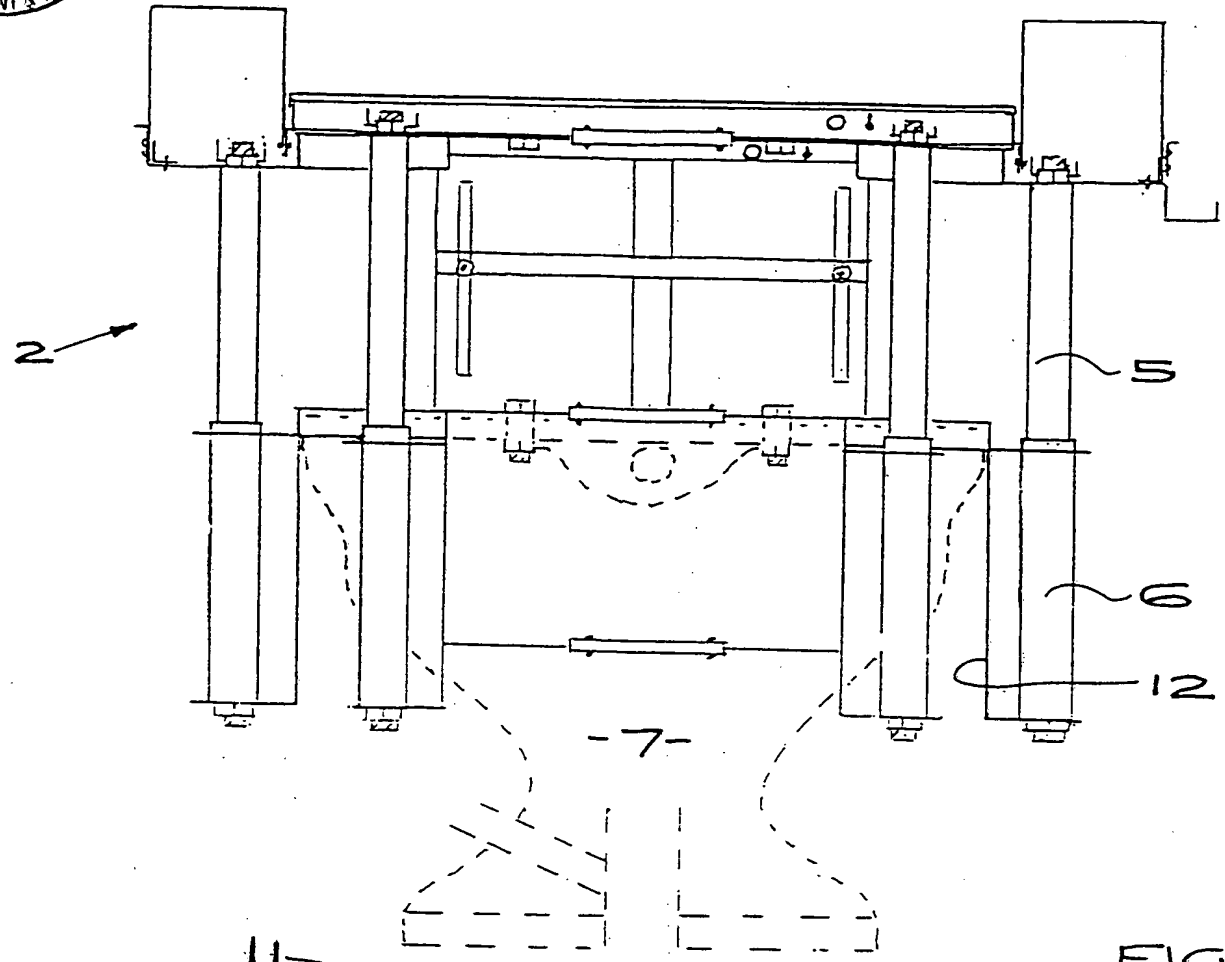


FIG. 5

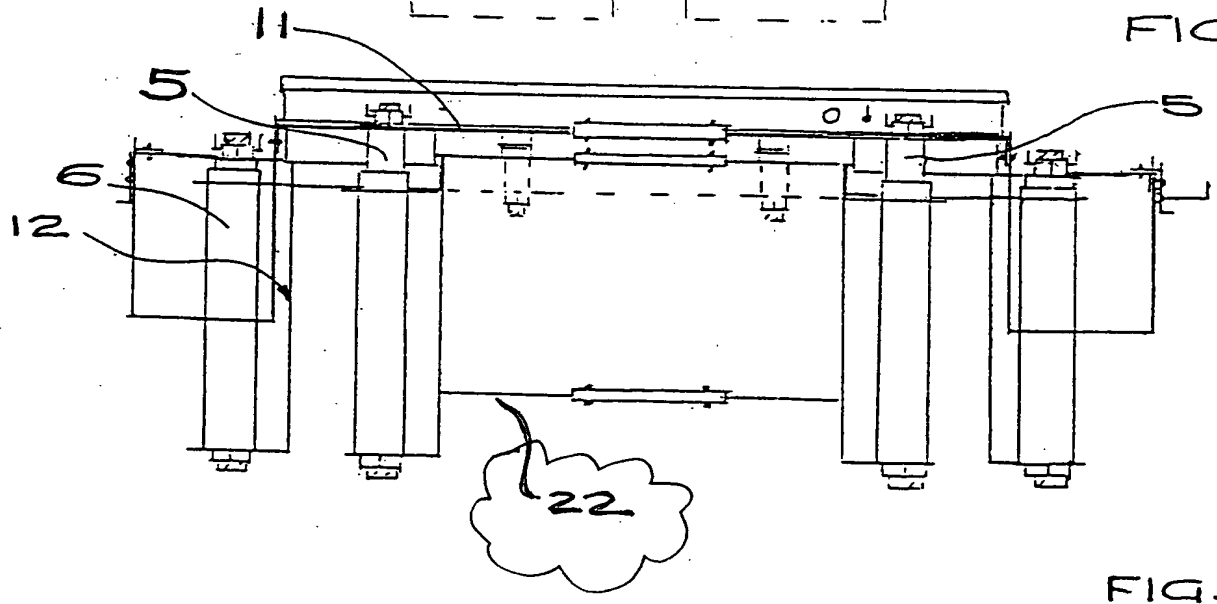
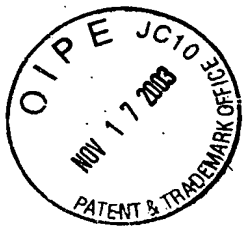


FIG. 6



ELEVATING TOILET SEAT WITH LID OPENING MECHANISM

Inventor: MILLER, Stuart Earl Crispin

Appl. No.: 10/070,602 Atty Docket: JAMES61.001APC

ANNOTATED MARKED-UP DRAWING

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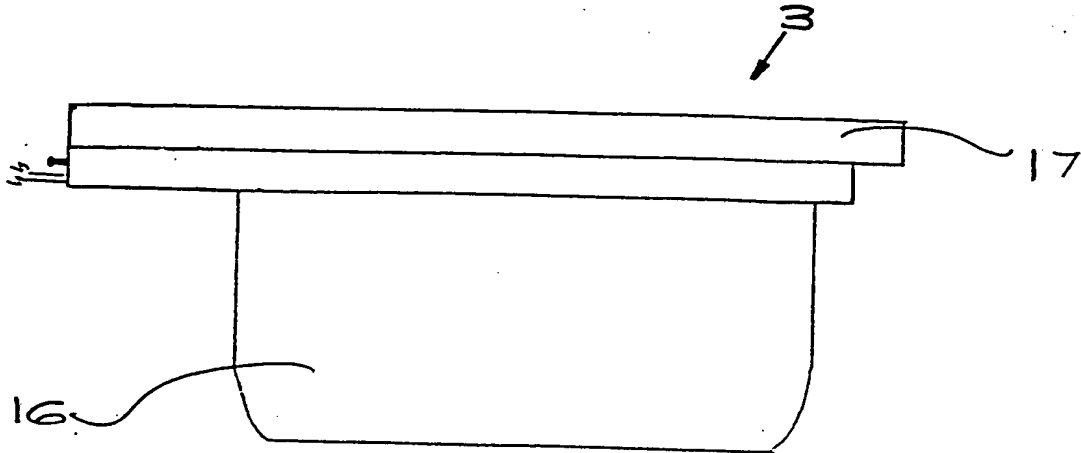


FIG. 7

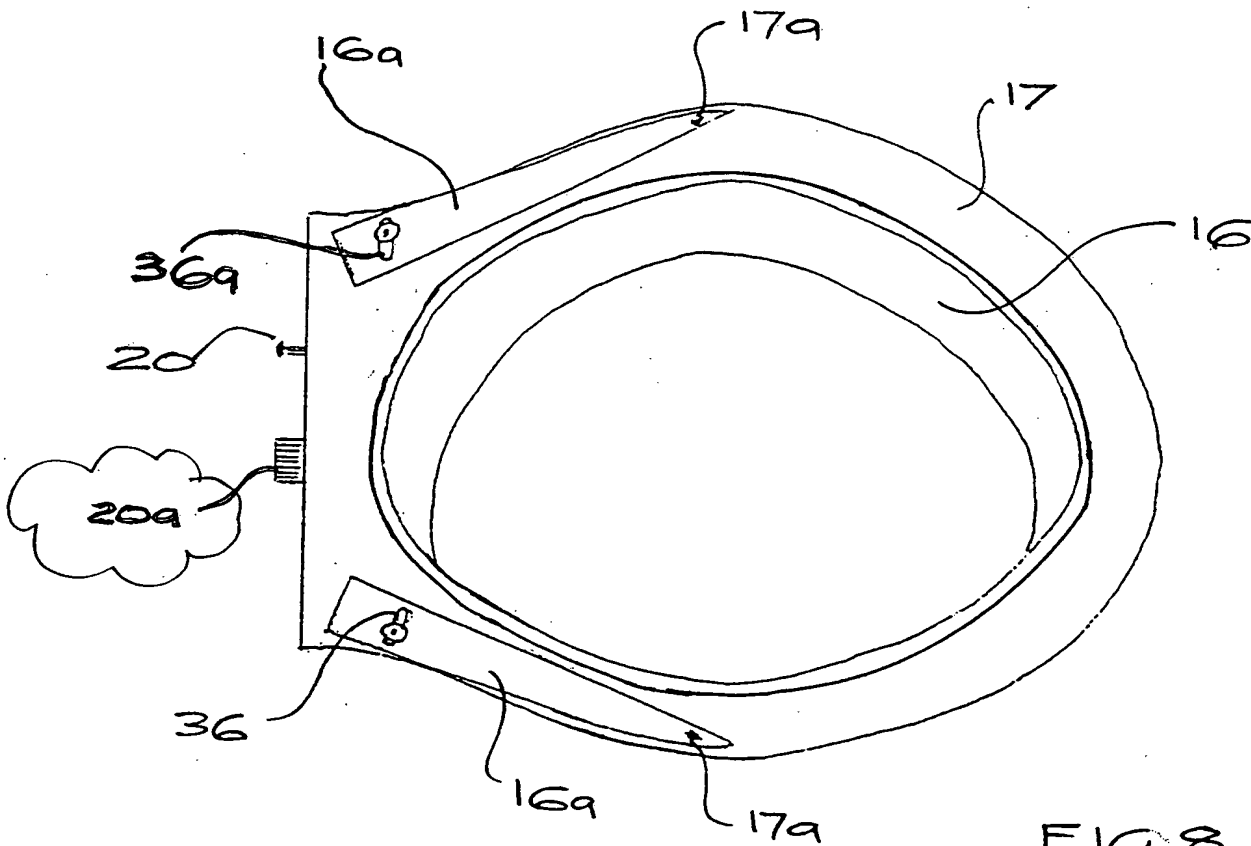
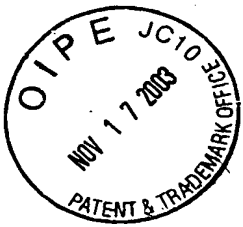


FIG. 8



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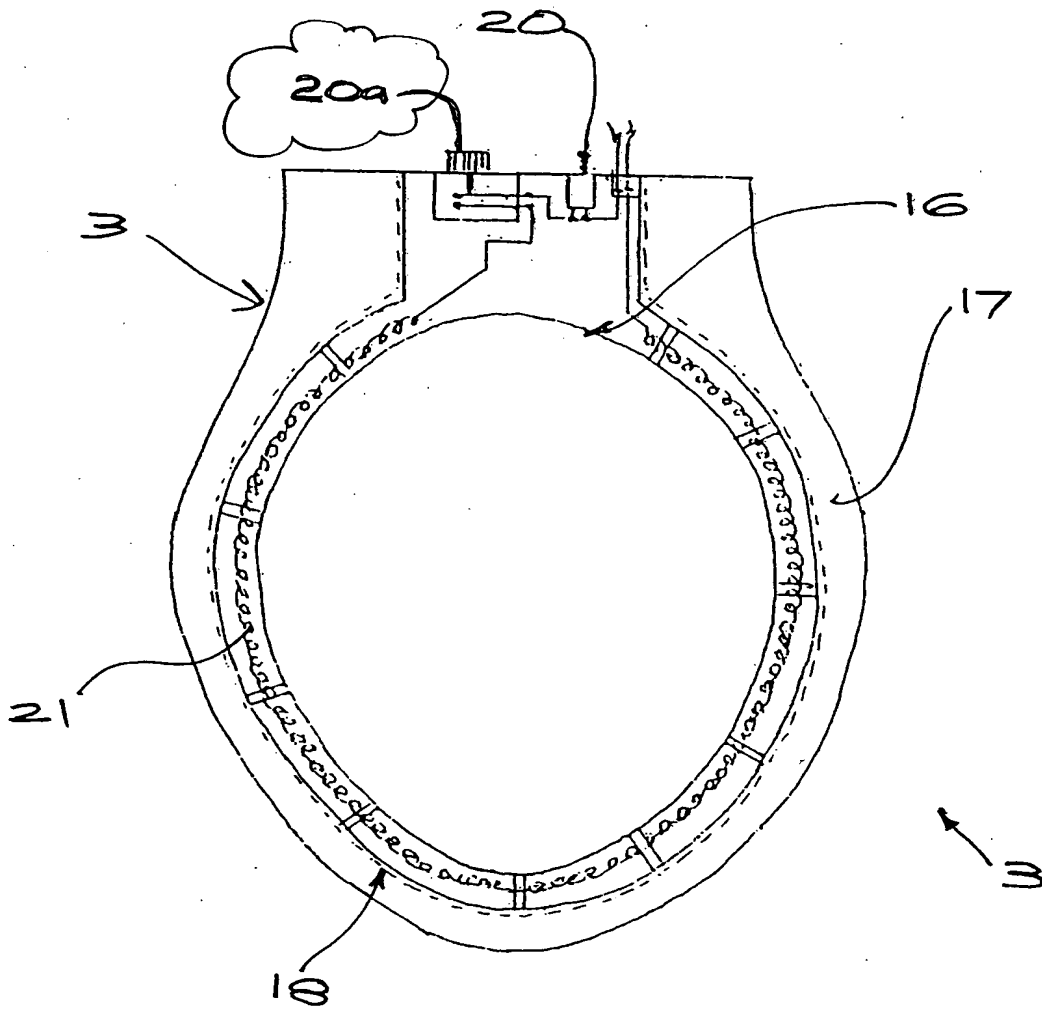
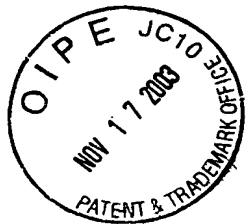


FIG. 9



ELEVATING TOILET SEAT WITH LID OPENING MECHANISM

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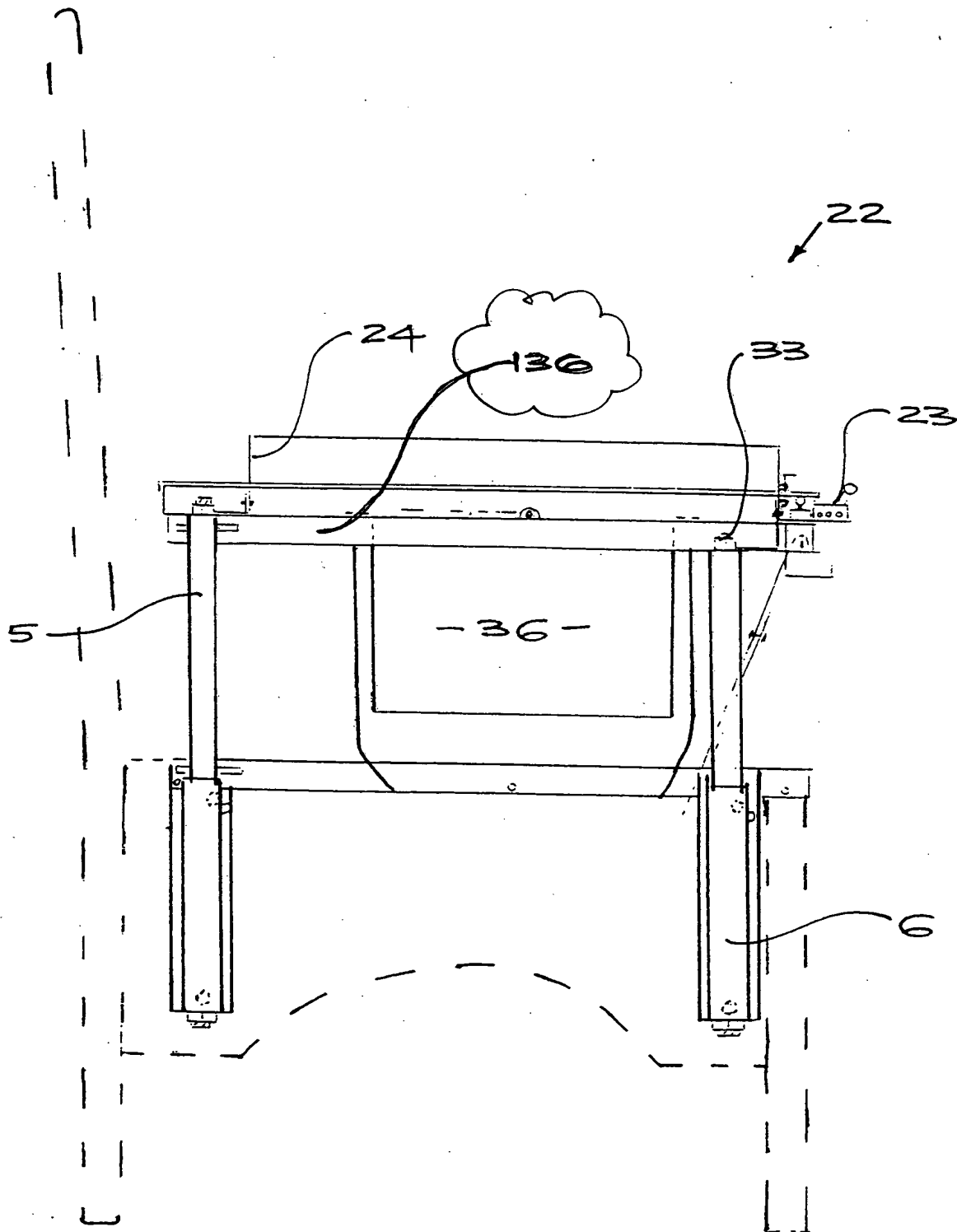


FIG. 12

ELEVATING TOILET SEAT WITH LID OPENING MECHANISM

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Atty Docket: JAMES61.001APC

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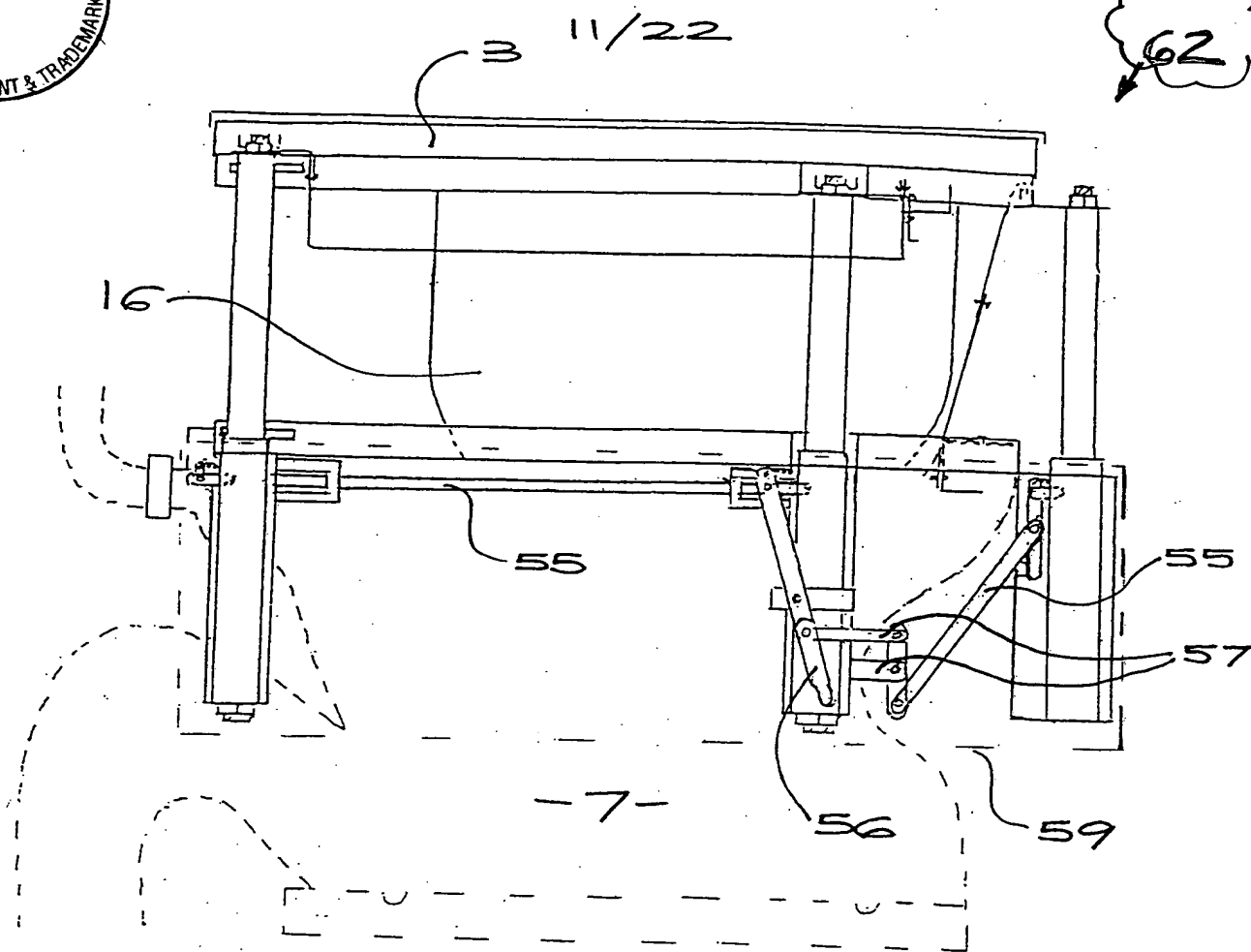
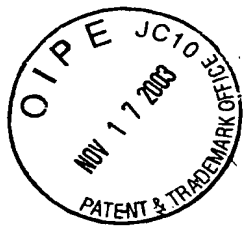


FIG. 18

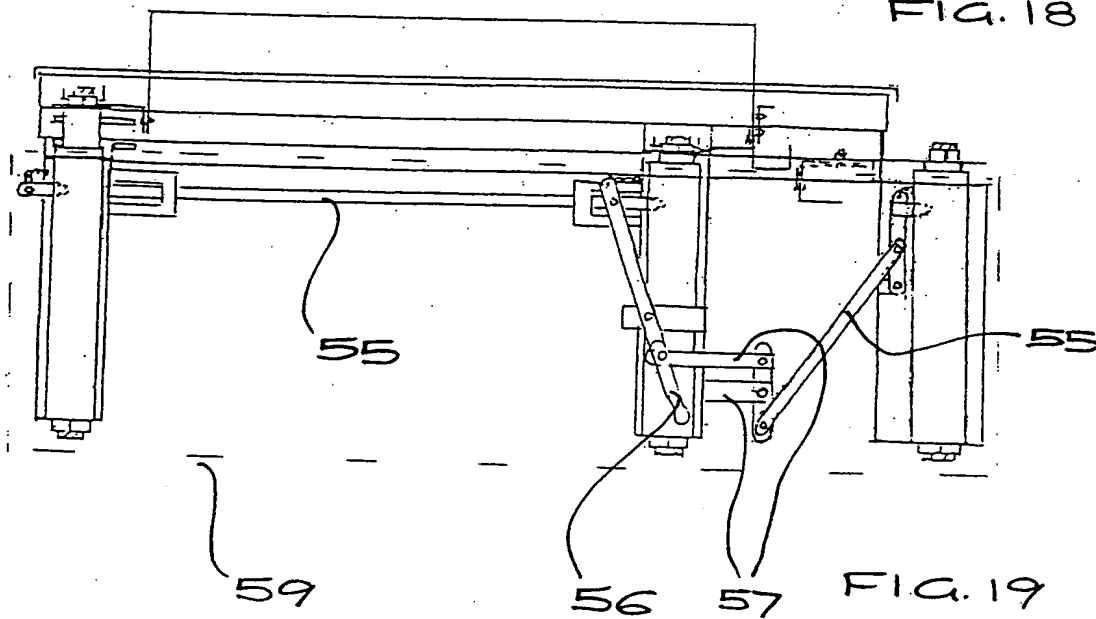
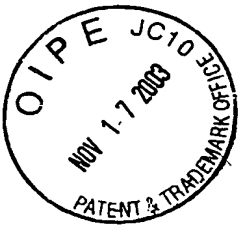


FIG. 19



ELEVATING TOILET SEAT WITH LID OPENING MECHANISM

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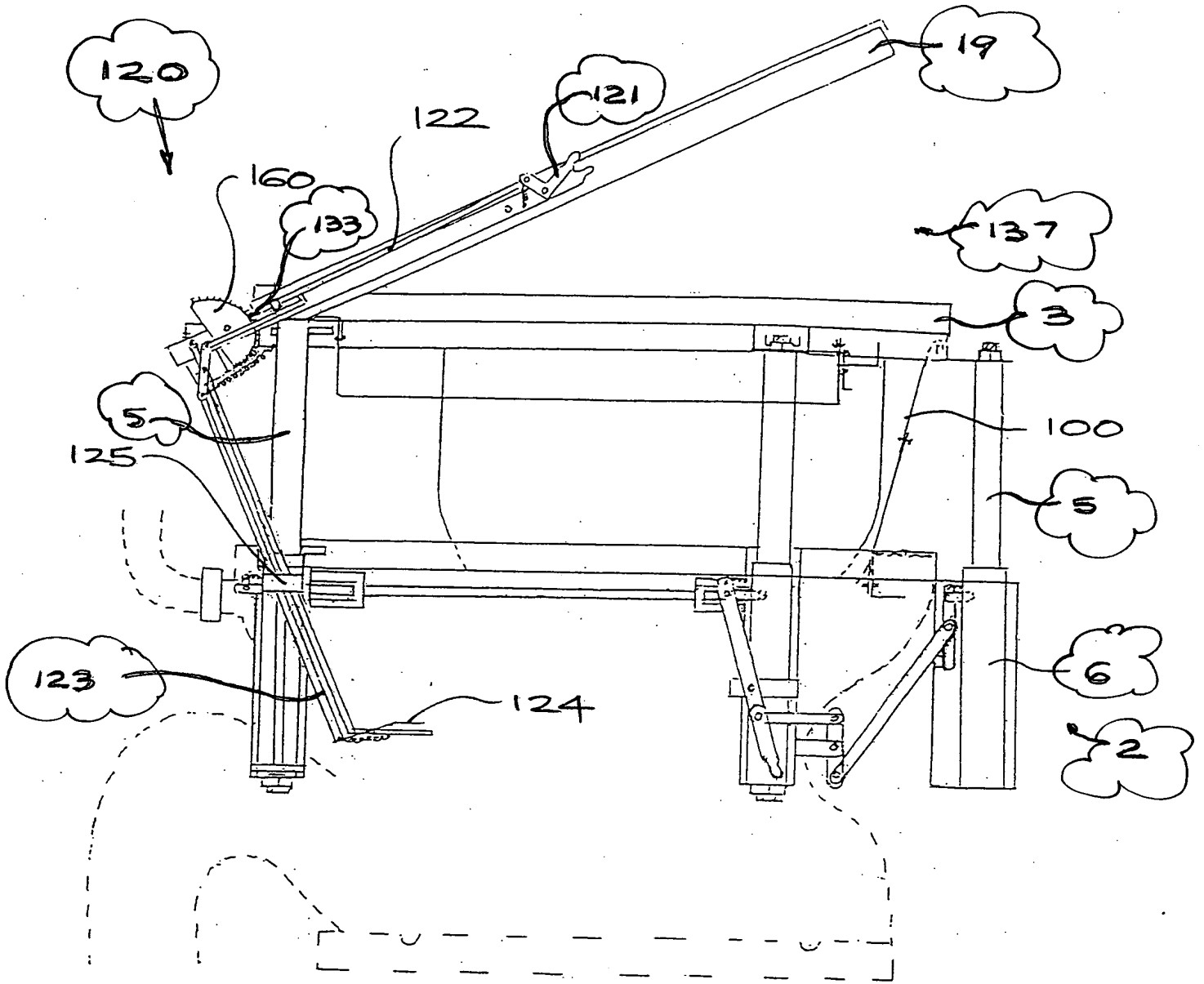


FIG. 24

ELEVATING TOILET SEAT WITH LID OPENING MECHANISM

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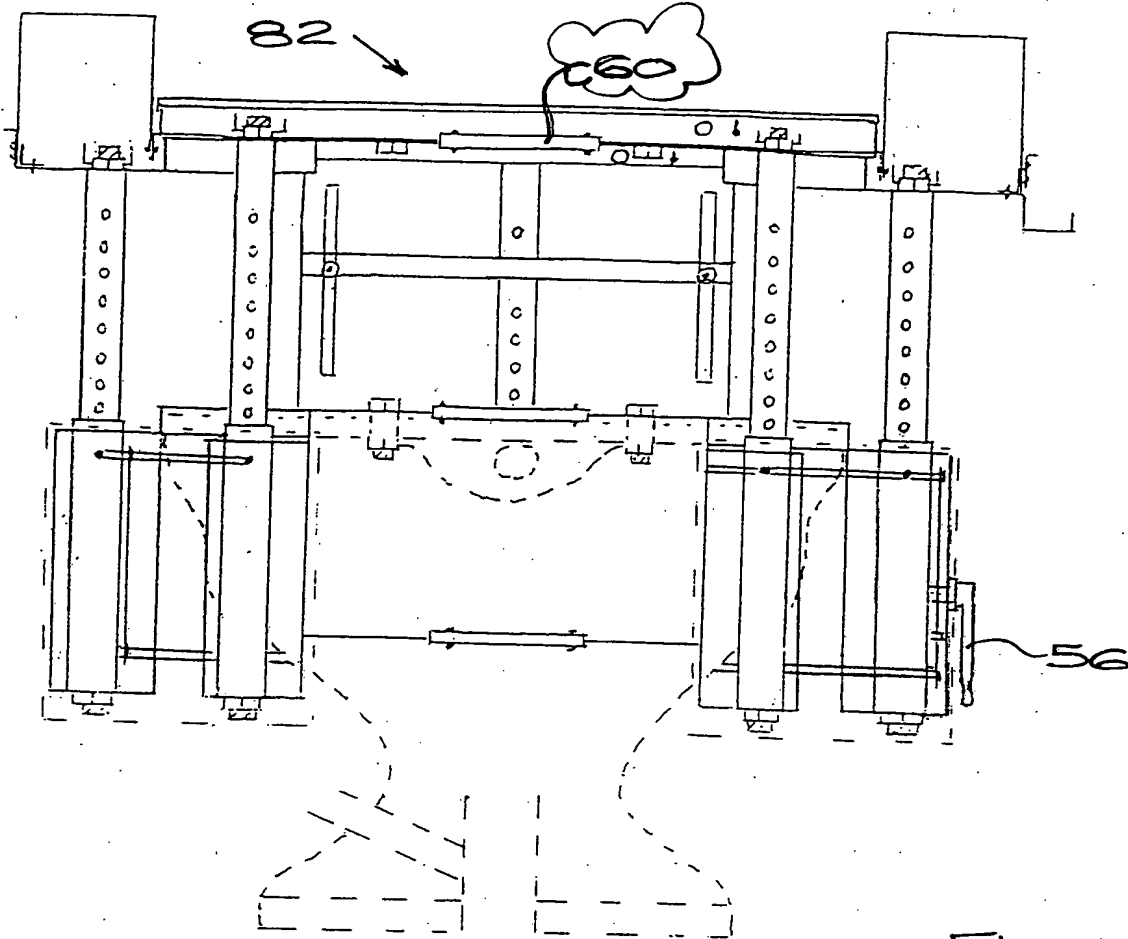


FIG. 27

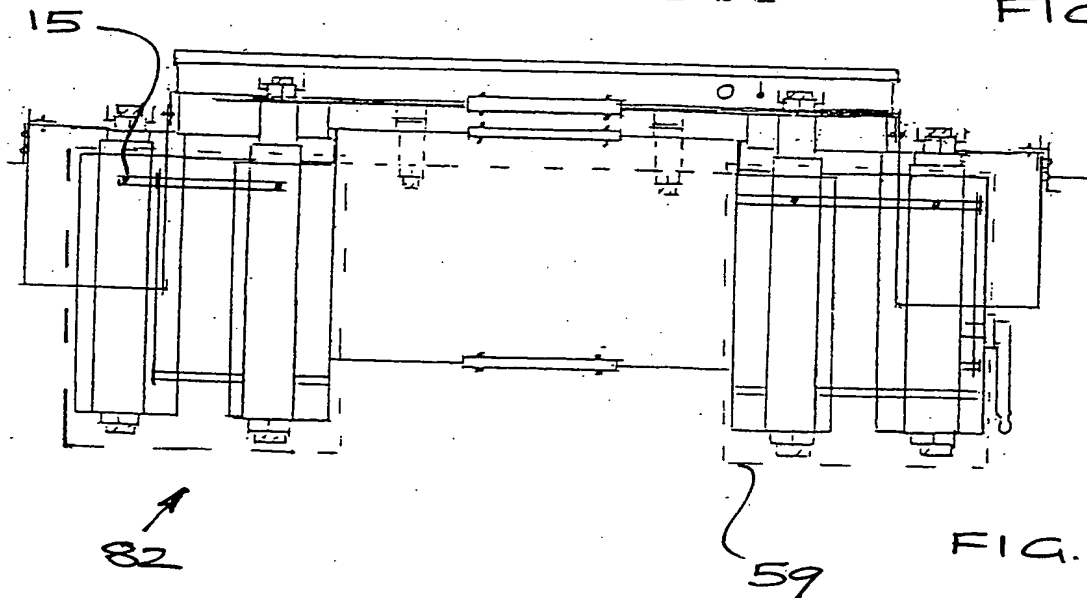
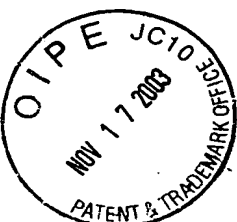
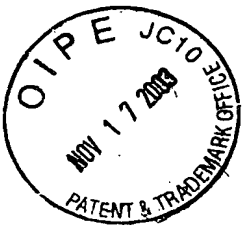


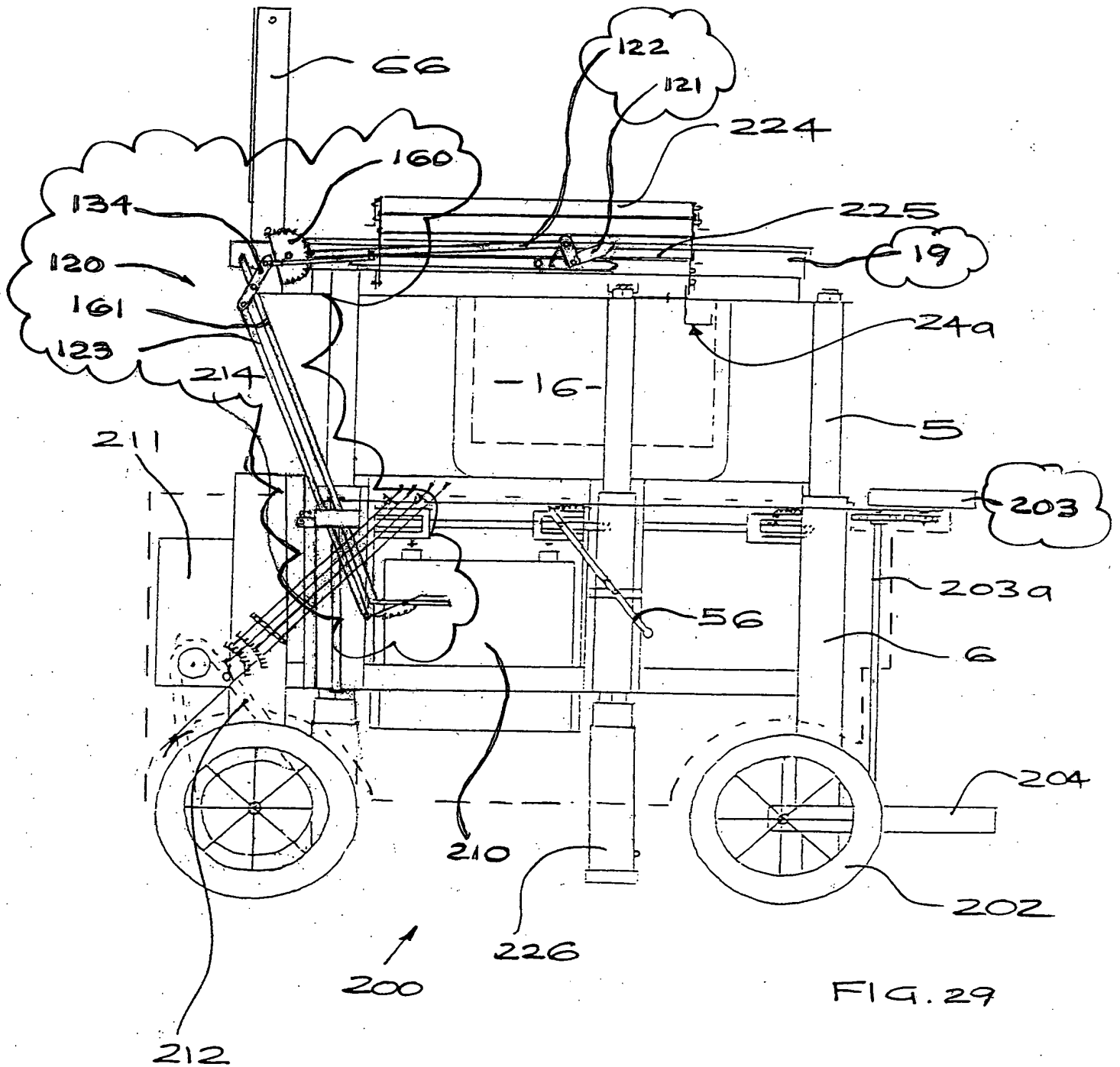
FIG. 28





ELEVATING TOILET SEAT WITH LID OPENING MECHANISM
Inventor: MILLER, Stuart Earl Crispin
App. No.: 10/070,602 Atty Docket: JAMES61.001A1C
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ELEVATING TOILET SEAT WITH LID OPENING MECHANISM

Inventor: MILLER, Stuart Earl Crispin

Appl. No.: 10/070,602

Atty Docket: JAMES61.001APC

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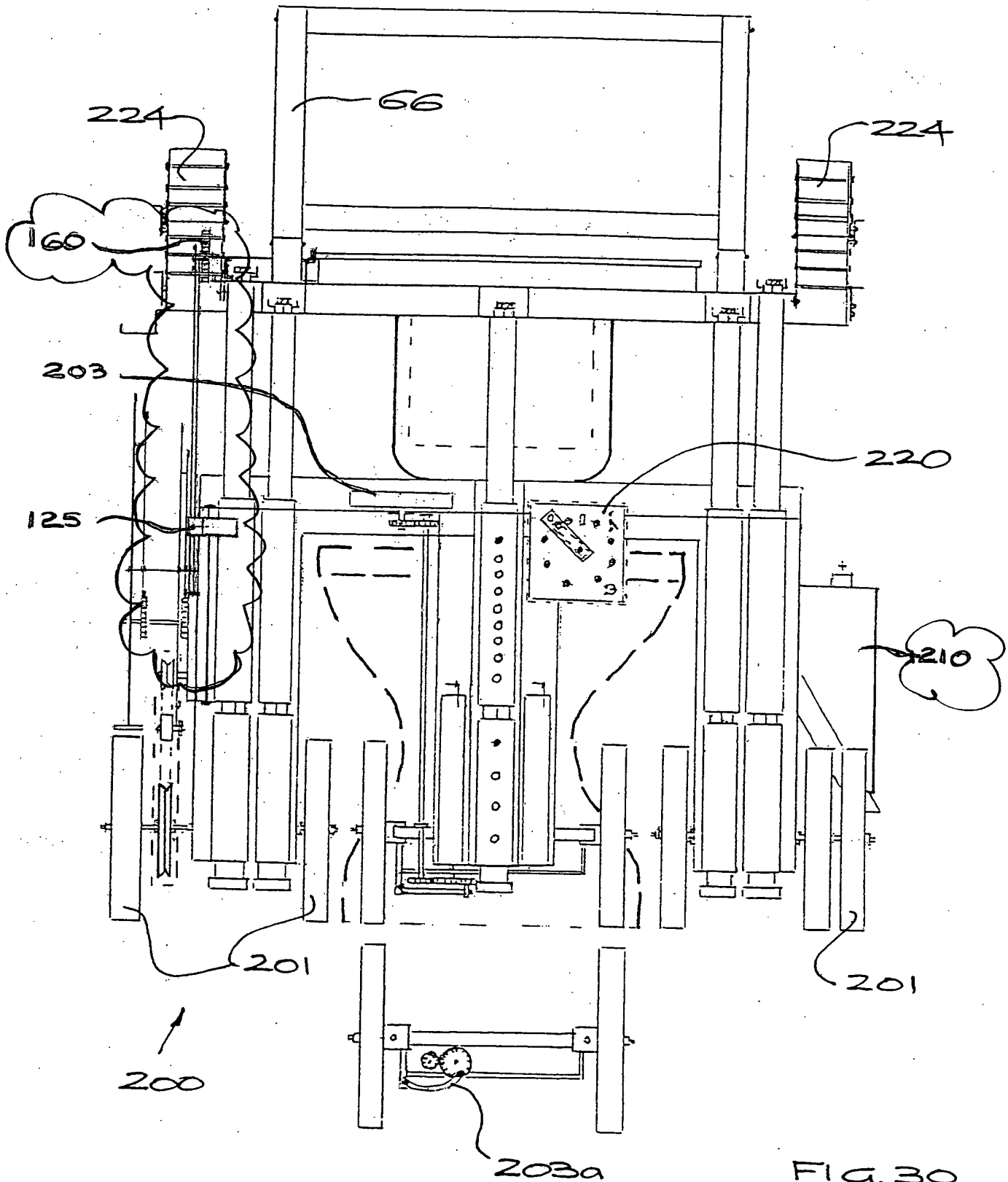
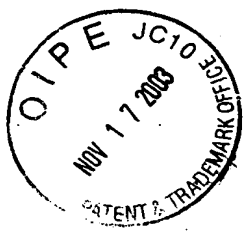


FIG. 30

A circular stamp from the Office of Intellectual Property (OIP). The text "OIP" is at the top, "JC10" is at the top right, "OFFICE" is on the right, "PATENT & TRADEMARK" is at the bottom, and "NOV 17 2003" is in the center.

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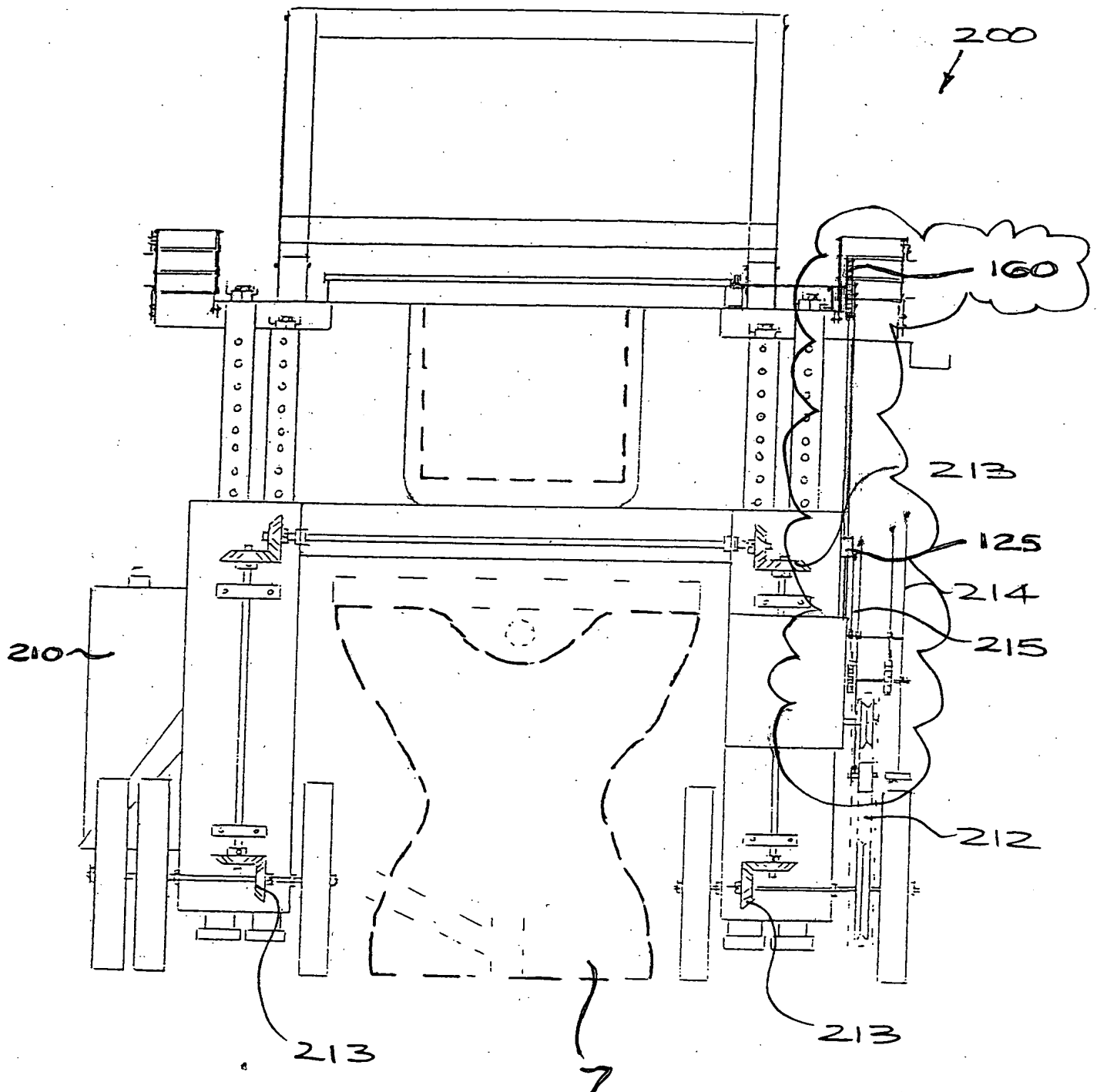


FIG. 31

ELEVATING TOILET SEAT WITH LID OPENING MECHANISM

Inventor: MILLER, Stuart Earl Crispin

Appl. No.: 10/070,602 Atty Docket: JAMES61.001APC

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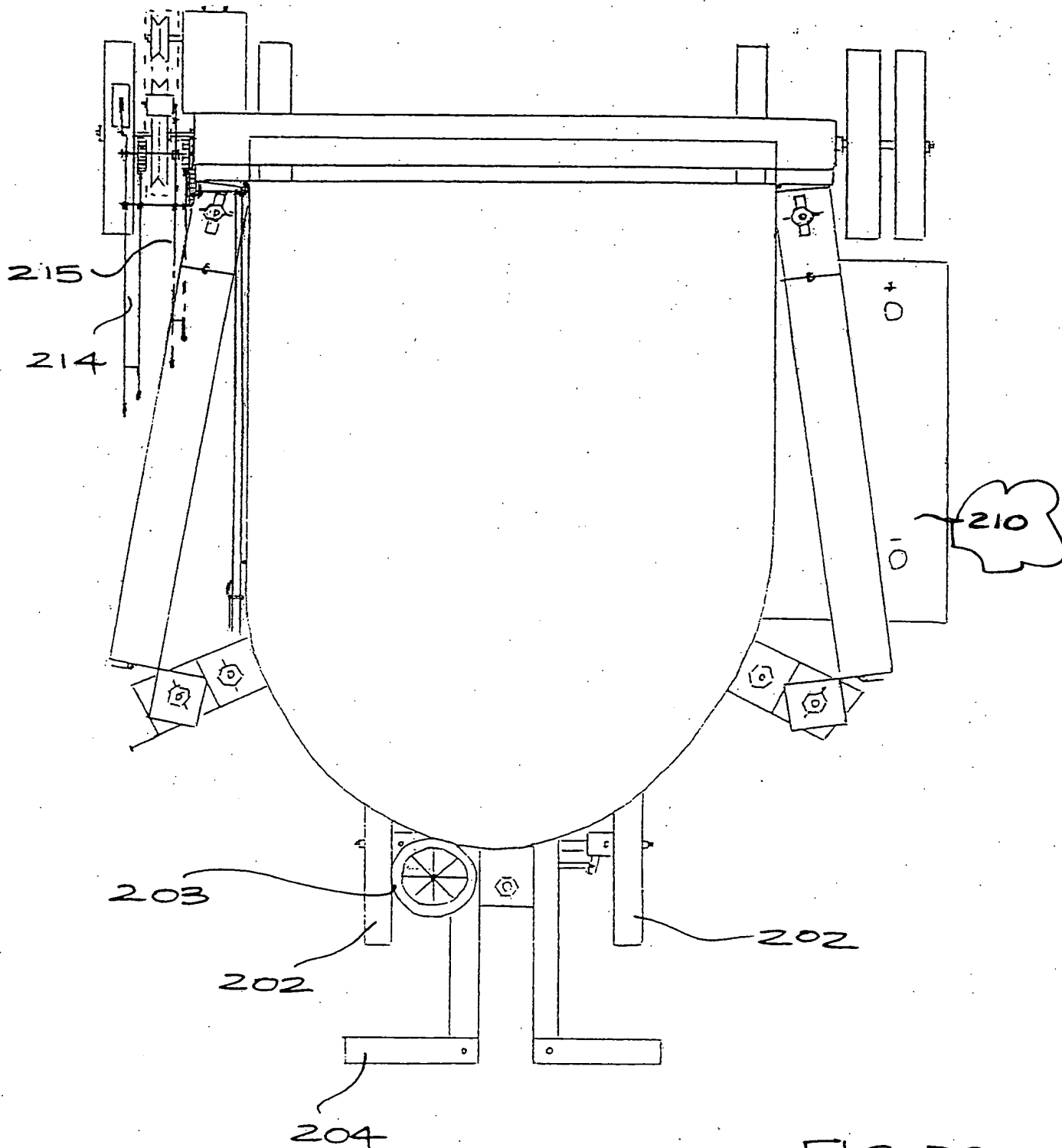
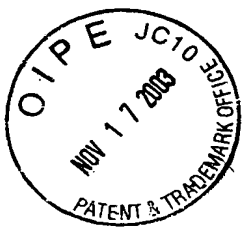


FIG. 32